IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 16109 of 2004

Between:

M. Nageshwar S/o. Kanaka Bhushanam
M/s. Santhoshima Trading Co., Sulthanabad, Karimnagar District.

..... PETITIONER

AND

1 The Prohibition & Excise Inspector, Prohibition & Excise Station, Sulthanabad, Karimnagar District.
2 The Dy. Commissioner of Prohibition & Excise, Karimnagar Division,

Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in seizing 81 gunny bags of Black Jaggery in all 45 quintals in Crime No.255/2003-2004 on the file of Prohibition and Excise Station, Sulthanabad, Karimnagar District, as illegal and without jurisdiction, consequently direct the respondents to release the black jaggery seized from the petitioner shop in his favour.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER:

Heard both sides and at their request the main writ petition itself is taken up for disposal.

In this case the petitioner seeks to assail the impugned action on the part of the respondents in seizing the 81 gunny bags of black jaggery in all 45 quintals by the respondents as illegal. However, having regard to the fact substantial proceedings are still pending it is not open for this Court to grant any relief at this stage.

The Writ Petition is disposed of permitting the petitioner to file proper application before the 2nd respondent herein seeking relief of release, and on filing of such application 2nd respondent shall consider and pass orders in accordance with law within a period of four weeks from the date of filing of the application, on such conditions as may be deemed fit, including furnishing of bank guarantee. No costs.

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B.PRAKASH RAO, J.

Dated 10-11-2004.

Note: Issue C.C. in

one week.

B/O

skmr

To

1 The Prohibition & Excise Inspector, Prohibition & Excise Station,

Sulthanabad, Karimnagar District.

2 The Dy. Commissioner of Prohibition & Excise, Karimnagar Division,

Karimnagar.

3. 2CCs to G.P. for Prohibition and Excise, High Court Buildings,

Hyderabad, (OUT).

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